IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 827 of 1995

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SURESHCHANDRA PAL

Versus

LABOUR COMMISSIONER GUJARAT STATE

Appearance:

1. Special Civil Application No. 827 of 1995

MR MR ANAND for Petitioner No. 1

MR RC Kodekar, AGP for Respondent No. 1-3

MR BT BUCH for Respondent No. 4,

MR NR SHAHANI for Respondent No. 5

Mr. ND Nanavati, Sr. Advocate for respondent No.6

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 20/01/2004

ORAL JUDGEMENT

Heard learned advocate Mr. D.C. Raval for Mr. M.R. Anand for the petitioner and MR RC Kodekar, learned AGP for Respondent No. 1-3 MR MB BUCH for Respondent No. 4, MR NR SHAHANI for Respondent No. 5 and Mr. ND Nanavati, Sr. Advocate for respondent No.6. This Court [Coram : Rajesh Balia,J.) has passed the following order dated 9th February, 1995:

"... In these circumstances, I deem it just and proper to direct that those workmen who claim to be members of the union may be permitted to vote in the elections which are going to be held on 12.2.1995 after due verification of their claim by the Election Officer. Any such claim should be lodged before the Election Officer before closing office hours of 10.2.1995 and for that purpose, Labour Commissioner shall direct the Election Officer to remain present at Mill Premises situated at village Amletha,Dist : Bharuch on 10.2.1995 althrough out working hours of general shift of the establishment and verification of the workmen so lodged shall be done as per clause (3) of the Constitution / Bye law of the union within reasonable time not later than 11.2.1995. Respondent No.4 shall make necessary arrangements for holding office of Election Officer at the Mill Premises for the purpose. "

Thereafter, this Court has directed that the votes of such candidates shall be kept separately in sealed box and it was ordered that their counting shall not be made until further orders passed by this Court.

Today, when the matter was taken up for final hearing, learned advocate Mr. Shahani appearing for the respondent No. 5 has submitted that the elections are over and the result has been declared and now, therefore, according to him, no further orders are necessary in respect of the present matter. However, learned advocate Mr. Buch submits that the respondent no.4 institution has been closed since long. Learned advocate Mr. Raval appearing for Mr. Anand submits that he is not having any instructions.

In view of these facts, considering the submissions made by the learned advocates for the parties, according to my opinion, no further orders are necessary as the petition has, by passage of time and declaration of the result of the election, become

infructuous. Hence this petition is disposed of as having become infructuous. Rule is discharged. Interim relief, if any, shall stand vacated with no order as to costs.

However, considering the statement made by Mr. Raval that he is not having any instructions, liberty is reserved for revival of this petition in case of any difficulty by filing mere note in the registry of this Court.

[H.K. Rathod,J.]

Vyas